

AMENDED IN SENATE APRIL 23, 2008

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1321

**Introduced by Senator Correa
(Coauthors: Senators Padilla, Romero, and Torlakson)**

February 20, 2008

An act to add ~~Article 3 (commencing with Section 38150) to Chapter 4 of Part 23 of Division 3 of Title 2 of the Education Code~~ *Chapter 12.4 (commencing with Section 42615) to Part 3 of Division 30 of the Public Resources Code*, relating to school recycling programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1321, as amended, Correa. School recycling programs.

(1) Existing law establishes the public school system in this state and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they operate and maintain. Existing law authorizes school districts to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district where a significant quantity of wastepaper is generated or may be collected. Existing law requires the California Integrated Waste Management Board to develop and implement a source reduction and recycling program for schools in which schools are encouraged, but not required, to participate.

This bill would express findings and declarations of the Legislature with respect to the potential benefits of school recycling programs. The bill would require each school district ~~that maintains a secondary school~~

to acquire and maintain a sufficient number of beverage container recycling bins at each ~~secondary~~ school campus and public office of that school district, but only to the extent that the district does not incur costs. Under the bill, a school district would be authorized to choose whether to operate its own beverage container recycling program, to contact its ~~Local~~ local Community Conservation Corps or another recycler to collect the school district's recyclables and negotiate a rebate program or an incentive beverage containers, provide a beverage container collection program as a fundraising activity for the school district, or to continue a recycling program in existence on January 1, 2009. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

The bill would authorize the *California Integrated Waste Management Board* and the Department of Conservation to provide, ~~to the extent feasible,~~ specified recycling supplies and materials to a school district to which the bill is applicable upon request of that district. The bill would authorize school districts to enter into an agreement or partnership with a private sector or nonprofit entity to obtain all or part of the supplies and information necessary for participation in the program established by the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Recycling saves energy, resources, and landfill space,
- 4 prevents emissions of many greenhouse gases and water pollutants,
- 5 creates jobs and helps the economy, reduces the need for
- 6 incinerators, and stimulates the development of greener
- 7 technologies.

1 (2) Only about one-fourth of the paper, aluminum, iron, and
2 steel used in the world is recovered for recycling.

3 (3) Although the waste generated from school districts is only
4 about 2 percent of the statewide waste stream, within an individual
5 jurisdiction school district waste can represent as much as 10 to
6 15 percent of the total waste disposed in a jurisdiction.

7 (4) Every year, commercial and industrial enterprises in
8 California spend more than \$2.8 billion on the collection and
9 disposal of solid waste.

10 (5) California currently generates approximately 68 million tons
11 of solid waste per year, about two tons annually per each man,
12 woman, and child in the state.

13 (6) Recycling and other waste diversion efforts keep an
14 estimated 28.5 million tons of solid waste out of the state's
15 landfills. Since 1990, cities and counties have diverted over 200
16 million tons of solid waste—enough to fill a line of garbage trucks
17 end-to-end that would circle the Earth's equator more than six
18 times.

19 (7) According to the Department of Conservation, only 13.2
20 billion of the 22 billion beverage containers bought last year in
21 California were recycled.

22 (8) The annual impact of recycling these billions of beverage
23 containers saves approximately 5.3 million barrels of oil and
24 reduces greenhouse gas emissions by approximately 617,000 metric
25 tons.

26 (9) Ongoing costs of collection and sorting efforts are typically
27 minimal compared to the savings from diversion and income
28 realized from the recycled materials.

29 (10) California school districts dispose of large amounts of
30 waste (approximately 763,817 tons per year).

31 (11) Incorporating waste reduction as part of the school district's
32 overall way of doing business can provide a number of important
33 benefits:

34 (A) Reduced disposal costs.

35 (B) Improved worker safety.

36 (C) Reduced long-term liability.

37 (D) Increased efficiency of school operations.

38 (E) Decreased associated purchasing costs.

39 (12) The California Integrated Waste Management Act of 1989
40 requires that all California cities and counties divert 50 percent of

1 solid waste generation. School districts can play a critical role in
2 a city or county's ability to realize this goal.

3 (13) School facilities that have implemented recycling programs
4 have been able to achieve diversion rates as high as 80 percent.

5 (14) For example, the Desert Sands Unified School District was
6 able to save enough in avoided disposal costs to more than pay for
7 the program's full-time staff member. The district saved an
8 additional \$57,000, which it transferred to the schools'
9 discretionary budgets based upon participation. Each school
10 received amounts ranging from \$1,000 to \$3,000, with a high of
11 \$7,000.

12 (15) When pupils, faculty, administrators, and district office
13 staff use recycling bins for bottles and cans, they will accomplish
14 all of the following:

15 (A) Reduce the district's waste collection and disposal
16 expenditures.

17 (B) Help to raise money for our schools.

18 (C) In some cases, they will help to increase the ability of their
19 Local Community Conservation Corps to expand and help more
20 at-risk youth.

21 (D) Send an important message to California's young people,
22 encouraging them to be aware of the environmental implications
23 of their actions, including the positive impact recycling has on
24 reducing global warming.

25 (b) Therefore, it is the intent of the Legislature to enact
26 legislation to require each public secondary school and school
27 district office in the state to have a sufficient number of beverage
28 container recycling bins and to participate in a local recycling
29 program or administer its own recycling program.

30 ~~SEC. 2. Article 3 (commencing with Section 38150) is added~~
31 ~~to Chapter 4 of Part 23 of Division 3 of Title 2 of the Education~~
32 ~~Code, to read:~~

33
34 ~~Article 3. School Beverage Container Recycling Program~~
35

36 ~~38150. (a) A school district that maintains a secondary school,~~
37 ~~only to the extent that it does not incur costs, shall acquire and~~
38 ~~maintain a sufficient number of beverage container recycling bins~~
39 ~~at each secondary school campus and public office of that school~~
40 ~~district.~~

(b) ~~A school district to which this article is applicable shall have the choice of any of the following:~~

~~(1) Operating its own beverage container recycling program by redeeming the bottles and cans that are collected on its campuses.~~

~~(2) Contacting its Local Community Conservation Corps or another recycler to collect the school district's recyclables and negotiate a rebate program or an incentive program as a fundraising activity for the school district.~~

~~(3) Continuing a recycling program in existence on January 1, 2009.~~

38151. ~~(a) Upon the request of a school district to which this article is applicable, the Department of Conservation may provide, to the extent feasible, that school district with supplies including, but not necessarily limited to, all of the following:~~

SEC. 2. Chapter 12.4 (commencing with Section 42615) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.4. SCHOOL BEVERAGE CONTAINER RECYCLING PROGRAM

42615. For purposes of this chapter, the following definitions apply:

(a) "Beverage container" has the same meaning as defined in Section 14505.

(b) "Recycler" has the same meaning as defined in Section 14519.5.

(c) "Recycling center" has the same meaning as defined in Section 14520.

(d) "School district" has the same meaning as defined in Section 80 of the Education Code.

42616. (a) A school district, only to the extent that it does not incur costs, shall acquire and maintain a sufficient number of beverage container recycling bins at each school campus and public office of that school district.

(b) Beverage container recycling program services may be provided in a manner determined by the district, consistent with this division and Division 12.1 (commencing with Section 14500), including any of the following:

1 (1) *Operating a beverage container recycling program by*
2 *redeeming containers that are collected on its campuses.*

3 (2) *Providing for a local Community Conservation Corps or*
4 *recycler to collect the beverage containers.*

5 (3) *Providing a beverage container collection program as a*
6 *fundraising activity for the school district.*

7 (4) *Continuing a recycling program that is in existence on*
8 *January 1, 2009.*

9 42617. (a) *Upon the request of a school district, the board*
10 *and the Department of Conservation may provide a school district*
11 *with information and supplies, including, but not necessarily*
12 *limited to, any of the following:*

13 (1) *A sufficient number of recycle bins to meet the estimated*
14 *need of the campus or office to be served.*

15 (2) *Literature on how to start and run a school-based recycling*
16 *program in order to ~~make money for~~ assist in funding school*
17 *programs.*

18 (3) *Contact information for the ~~California Integrated Waste~~*
19 *~~Management Board~~ board and the Department of Conservation.*

20 (4) *Contact information for the nearest location of the ~~Local~~*
21 *~~local~~ Community Conservation Corps and for ~~local independent~~*
22 *~~recyclers~~ recycling centers.*

23 (b) *A school district may enter into an agreement or partnership*
24 *with a private sector or nonprofit entity to obtain all or part of the*
25 *supplies and information necessary for participation in the program*
26 *established by this article.*

27 SEC. 3. *If the Commission on State Mandates determines that*
28 *this act contains costs mandated by the state, reimbursement to*
29 *local agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code.*